THE HON'BLE SRI JUSTICE N.R.L. NAGESWARA RAO

CRIMINAL APPEAL No. 1693 of 2004

JUDGMENT:

The appeal is filed by the State questioning the acquittal of the accused No.1 in C.C.No.607 of 1998 on the file of the XV Metropolitan Magistrate, Hyderabad.

The case of the prosecution is that the accused offered to sell an extent of Ac.1-50 cents of land to the complainant-P.W.1 for a sum of Rs.10,75,000/- and received an advance of Rs.3,50,000/- and an agreement of sale was entered into. The enquiries made by the complainant showed that the accused have no title and they have fabricated the documents. Consequently, a complaint was given by P.W.1, which was investigated into and the charge sheet is filed.

The Court below after considering the evidence on record, acquitted the accused.

The point for consideration is whether the acquittal of the accused is legal and sustainable?

POINT:

In order to sustain a conviction, it is to be proved by the prosecution that the accused made P.W.1 to believe that they are the owners of the property and that they have fabricated the documents. In this case, a relinquishment deed is said to be the source of title claimed by the accused, which is marked as Ex.A-3 executed by G.Srivamsi and none were connected to it examined to show that the said document is a fabricated one. So also there is no proof of fact that one account or the adangal extract that were manipulated at the instance of the accused. Evidently, it is also the duty of the purchaser to make enquiries about the title and the complainant has relied upon the documents. There is no material on record to hold that those documents are fabricated or false

documents. Evidently, a suit is also said to have been filed for recovery of the money paid under the agreement and the matter appears to be purely of a civil nature and the lower Court has rightly found that the criminal prosecution is not maintainable and acquitted the accused. Therefore, there are no compelling reasons to come to a different conclusion.

Accordingly, the Criminal Appeal is dismissed.

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N.R.L. NAGESWARA RAO, J

Date: 27-01-2012
MR

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MR